

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JOSE GARCIA; CARLA ROXANA RIVERA,
a/k/a Carla R. Marroquin Vigil; and
CATIUSHKA MORALES QUINONEZ,

Plaintiffs,

vs.

RED LOBSTER HOSPITALITY, LLC,

Defendant.

4:21-CV-04170-KES

ORDER GRANTING
MOTION TO DISMISS

Plaintiffs, Jose Garcia, Carla Roxana Rivera, and Catiushka Morales Quinonez, move to dismiss the above-entitled action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). But under Rule 41(a)(1)(A)(ii), a case may only be voluntarily dismissed without a court order when there is a “stipulation of dismissal signed by all parties who have appeared.” Defendant, Red Lobster Hospitality, LLC, entered appearance on December 20, 2021, but the motion for dismissal is signed only by plaintiffs’ counsel. The court treats the motion as one for dismissal under Rule 41(a)(2), because it is made by plaintiffs on “terms that the court considers proper.” Thus, it is

ORDERED that the plaintiffs’ complaint is dismissed with prejudice, with each party to bear its own costs, expenses, and attorney’s fees.

Dated March 3, 2022.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE